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OFFICE OF PETITIONS

In re Application of :
Sting et al. : DECISION ON
Application No. 09/701,961 : PETITION
Filed: February 20, 2001 :
Atty Docket No. 1174/79 PCT :

This is a decision on the "REQUEST TO WITHDRAW ERRONEOUS ABANDONMENT," filed September 23, 2009. This petition is properly treated as a petition to withdraw the holding of abandonment. This petition was recently forwarded to the undersigned for consideration.

The above-identified application became abandoned effective March 12, 2002 for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, December 11, 2001, of the Notice of Allowance and Fee(s) Due. A courtesy Notice of Abandonment was mailed on May 29, 2002.

In response, applicants filed the instant petition. Applicants maintain that a timely RCE with an Amendment and IDS were filed on March 11, 2002. In support thereof, applicants submit a copy of their date-stamped return postcard and a copy of the response as they maintain it was originally filed.

The postcard receipt is prima facie evidence of receipt of an RCE, IDS and amendment intended for this application on March 20, 2002. Further, a review of the papers revealed that they bore a certificate of mailing timely dated March 11, 2002. However, the RCE referenced the correct application number and the amendment referenced an incorrect application number. A

review of the record of the other application did not reveal the presence of the amendment therein. Nonetheless, given the certificate of mailing, the response (including RCE, amendment and IDS) is considered timely filed.

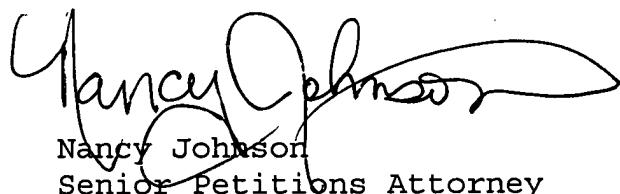
In view thereof, the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The Technology Center AU has been advised of this decision. The application is, thereby, forwarded for consideration by the examiner of the request for continued examination, amendment and IDS resubmitted on petition filed September 23, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions